

<p><u>Jim Bass Holden</u> Name <u>87999</u> Prison Number Place of Confinement</p>	FILED ENTERED	RECEIVED SERVED ON	<p>COUNSEL/PARTIES OF RECORD CLERK US DISTRICT COURT DISTRICT OF NEVADA JUN - 6 2014</p>
	BY:	CLERK US DISTRICT COURT DISTRICT OF NEVADA JUN - 9 2014	

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Jim Bass Holden, Petitioner, )  
 (Full Name) )  
 vs. ) 2:14-cv-00894-GMN-PA  
 )  
 , Respondent, )  
 (Name of Warden, Superintendent, jailor or )  
 authorized person having custody of petitioner )  
 )  
 and )  
 )  
The Attorney General of the State of Nevada. ) **PETITION FOR A  
WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2254  
BY A PERSON IN STATE CUSTODY  
(NOT SENTENCED TO DEATH)**

1. Name and location of court, and name of judge, that entered the judgment of conviction you are challenging: Eighth Judicial District Court 200 S. Third Street/Las Vegas/David T. Wall.
2. Full date judgment of conviction was entered: 6/16/06. (month/day/year)
3. Did you appeal the conviction?  Yes  No. Date appeal decided: 10/17/07.
4. Did you file a petition for post-conviction relief or petition for habeas corpus in the state court?  
 Yes  No. If yes, name the court and date the petition was filed: Eighth Judicial  
District Court, Clark County 8/23/08. Did you appeal from the denial of the petition for post-conviction relief or petition for writ of habeas corpus?  Yes  No. Date the appeal was decided: 5/13/14. Have all of the grounds stated in this petition been presented to the state supreme court?  Yes  No. If no, which grounds have not? \_\_\_\_\_
5. Date you are mailing (or handing to correctional officer) this petition to this court: 5/27/14.  
**Attach to this petition a copy of all state court written decisions regarding this conviction.**

6. Is this the first federal petition for writ of habeas corpus challenging this conviction?  Yes  
 No. If no, what was the prior case number? \_\_\_\_\_ And in what court was the prior action filed? \_\_\_\_\_  
 Was the prior action \_\_\_\_\_ denied on the merits or \_\_\_\_\_ dismissed for procedural reasons (check one). Date of decision: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_. Are any of the issues in this petition raised in the prior petition?  Yes  No. If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this successive petition?  Yes  No.  
 7. Do you have any petition, application, motion or appeal (or by any other means) now pending in any court regarding the conviction that you are challenging in this action?  Yes  No.  
 If yes, state the name of the court and the nature of the proceedings: NY Supreme Court

Separate appeal on trial attorney failing to advise me of plea negotiations.

8. Case number of the judgment of conviction being challenged: C200945.  
 9. Length and terms of sentence(s): DBL Life without/DBL 24 to 120 months/12 to 48 months.  
 10. Start date and projected release date: March, 30, 2004 - N/A.  
 11. What was (were) the offense(s) for which you were convicted: Burglary w/Firearm / Conspiracy to commit Murder/Extortionate Collection of Debt/First Degree Murder w/the use of a Firearm.  
 12. What was your plea?  Guilty  Not Guilty  Nolo Contendere. If you pleaded guilty or nolo contendere pursuant to a plea bargain, state the terms and conditions of the agreement:  
 \_\_\_\_\_

13. Who was the attorney that represented you in the proceedings in state court? Identify whether the attorney was appointed, retained, or whether you represented yourself *pro se* (without counsel).

	Name of Attorney	Appointed	Retained	<i>Pro se</i>
arraignment and plea	<u>Bret Whipple</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
trial/guilty plea	<u>Bret Whipple</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
sentencing	<u>Bret Whipple</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
direct appeal	<u>Bret Whipple</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1st post-conviction petition	<u>Jim B Holden / Gregory Hogan</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
appeal from post conviction	<u>Karen Connolly</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2nd post-conviction petition	<u>Karen Connolly</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
appeal from 2nd post-conviction	<u>Jim B. Holden</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND I

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Fourteenth Amendment right to Due Process right to a Fair Trial, based on these facts:

Allowing the prosecution to refer to the deceased as a "Victim" in a case of self-defense creates an inference of guilt and denies the defendant's due Process right to a fair trial.

Please see all papers and pleadings incorporated with this.

This is ground I of appellants direct appeal

I dont fully understand the law or how to fully explain these grounds but I will try.

**Exhaustion of state court remedies regarding Ground 1:**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: \_\_\_\_\_

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: I did not prepare my own post.

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_\_ / \_\_\_\_ .

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: My lawyer did not raise it.

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_\_ / \_\_\_\_ .

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

**State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.**

## GROUND 2

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Sixth Amendment right to Right to Present a Defense, based on these facts:

Defendant testified at trial that his confession to law enforcement was a lie to protect his family from the two Hispanic perpetrators. The defense requested the opportunity to call witness Dr. Deborah Davis as an expert in the field of false confessions. In an offer of proof Dr Davis testified that she was a professor of psychology at the University of Nevada, Reno and has testified as an expert witness regarding false confessions in several States. However the court denied the defendant the testimony of expert witness Dr. Davis and the States case was centered around this false confession.

Please see all papers and pleadings incorporated with this.

This is ground 2 of appellants direct appeal, supplement to defendants district court habeas and opening brief to NV Supreme Court.

**Exhaustion of state court remedies regarding Ground 2**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: \_\_\_\_\_

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: Eighth Judicial District Court LV, NV date petition filed 04/09/10.

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_\_ / \_\_\_\_ / \_\_\_\_.

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND 3

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Fourteenth Amendment right to Due Process, based on these facts:

Appellant's Due Process rights was violated when the trial court took Judicial notice of a witness's Prior "in court" identification of a co-conspirator. Vanessa Pena testified as the only eye witness in this matter. Mrs. Pena was only able to identify the co-conspirator Jerry Salas after hearing his voice. Yet regardless of the fact that Mrs. Pena needed to hear Salas's voice, the lower court took notice of Pena's "in court" ID of Salas.

Please see all papers and pleadings incorporated with this.

This is ground 3 of appellants direct appeal.

**Exhaustion of state court remedies regarding Ground 3:**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: \_\_\_\_\_

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: I was not the one that prepared my post

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_\_ / \_\_\_\_ .

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: My lawyer did not raise it.

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_\_ / \_\_\_\_ .

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

**State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.**

#### **GROUND 4**

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Fourteenth Amendment right to Due Process, based on these facts:

Appellants Due Process Right was violated when the court allowed testimony of witness DR. Olson without proper foundation. An element of all homicides is the cause and manner of death of the deceased. Here, in lieu of the Medical Examiner that performed the autopsy, the State produced a medical examiner who was employed by the Clark County Coroner's office at the time of the autopsy on this matter. (See NRS 51.135)

Please see all papers and pleadings that are incorporated with this.

This is ground 4 of appellants direct appeal.

**Exhaustion of state court remedies regarding Ground**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: \_\_\_\_\_

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: I did not prepare my own post.

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_\_ / \_\_\_\_ .

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: My lawyer did raise it.

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_\_ / \_\_\_\_ .

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND 5

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Sixth Amendment right to Effective Assistance of Counsel based on these facts:

Trial and Appellate attorney Bret Whipple did NOT provide the level of constitutionally mandated reasonably effective legal assistance by ~~fails~~ failure to raise one or more meritorious issues of errors which would have obtained relief.

Please See all papers and pleadings incorporated with this.

This is ground 1 of appellants habeas to the district/trial court.

**Exhaustion of state court remedies regarding Ground 5**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Trial counsel did my direct appeal and he could not claim to be ineffective.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: Eighth Judicial District Court Clark County date petition filed 8/23/08.

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed / / .

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND 6

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Sixth Amendment right to Effective Assistance of Counsel, based on these facts:

During trial in this case trial counsel Bret Whipple did not provide effective assistance in several instances which denied defendant a fair trial and resulting in prejudice such as follows. Failure to properly investigate witnesses, material evidentiary facts nor seek out expert witnesses to testify at trial. Trial counsel failed to provide to the jury evidence of a deal struck with known informant that I was placed in a cell with which was in defendants side (proffer agreement with 115 DA and Steven Hall) among many other errors that are obvious to this court.

Please see all papers and pleading incorporated with this

This is ground 2 of district court habeas,

**Exhaustion of state court remedies regarding Ground 6**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Trial counsel did my direct appeal and could not claim to be ineffective.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8th Judicial District Court/ Clark County date petition filed 8/23/08

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed / /

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND 7

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Sixth Amendment right to Effective Assistance of Counsel, based on these facts:

Deputy District Attorney Marc DiGiacomo and Susan Krisko each committed Prosecutorial Misconduct in their opening and closing statements inflaming the passion and prejudices of the Jury with incorrect renditions and personal opinions of petitioner being a liar and trial counsel failed to object allowing states counsel to give their opinions to the jury and trial counsels ineffective assistance allowed the state to have a substantial effect on the jury.

Please see all papers and pleadings incorporated with this.

This is ground 3 of appellants habeas to trial court.

**Exhaustion of state court remedies regarding Ground 7**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Trial counsel did direct appeal and cannot claim to be ineffective.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8th Judicial District Court Clark County date petition filed 8/23/08.

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_\_ / \_\_\_\_ .

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND 8

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Sixth Amendment right to Effective assistance of counsel, based on these facts:

Trial counsel was ineffective by failing to perform a reasonably competent investigation before trial. Trial counsel failed to investigate / find the actual shooter in this case that was even placed at the scene by a witness. Trial counsel failed to ~~know~~ attack the failure of the L.V. Police department to test my self, (hands) and clothing for gunpowder residue or point out the fact that the weapon the prosecutor Nic DiGiacomo "provided" was not found at the scene of the crime nor with the defendant but it was found at the house the shooter was seen at the day of the shooting.

Please see all papers and pleading incorporated with this.

This is ground 4 of defendants habeas to district court.

**Exhaustion of state court remedies regarding Ground 8**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Trial counsel did my direct and could not claim to be ineffective.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8th Judicial District Court Clark County date petition filed 8/23/08.

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: Because my lawyer would not raise any issue I brought forth.

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed / /.

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND 9

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Sixth Amendment right to Effective Assistance of Counsel, based on these facts:

Trial counsel was ineffective in every aspect of allowing the State to use known "jailhouse snitch" Steven Hall even after Hall's attorney admitted Hall benefited from having me write the journal after I was moved from my own cell and into his. Hall signed a Proffer agreement on 3-11-04 with the U.S. DA, than I was put in his cell only days later.

Please see all papers and pleadings incorporated with this.

This is ground five of appellants district court habeas.

**Exhaustion of state court remedies regarding Ground 9**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Trial counsel did direct appeal and can not claim to be ineffective.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8th Judicial District court date petition filed 8/23/08

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed / /

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

**State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.**

## GROUND 10

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Sixth Amendment right to Effective Assistance of Counsel, based on these facts:

This is ground Six of my appellants habeas to trial court.  
I dont fully understand but I want to preserve this  
for the record.

Please see all papers and pleadings incorporated with this.

**Exhaustion of state court remedies regarding Ground 10**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Trial counsel did my direct appeal and cannot claim to be ineffective.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8th Judicial District Court Clark County date petition filed 8/23/08

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: My current lawyer won't raise it, because it was raised by me.

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed / /

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

**State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.**

## GROUND //

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Sixth Amendment right to Effective Assistance of Counsel, based on these facts:

This is ground Seven of appellants habeas to district court. I dont fully understand this but I am preserving it for the record.

Please see all papers and pleadings incorporated with this.

**Exhaustion of state court remedies regarding Ground 11**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Trial counsel did direct appeal and cannot claim to be ineffective.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8th Judicial District Court Clark County date petition filed 8/23/08

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: Counsel would not raise it.

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed / /

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND 12

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Sixth Amendment right to Effective Assistance of Counsel, based on these facts:

The appellate adopts all grounds raised by appellate attorney Karen A Connolly including the Notice of Supplemental Authorities filed on March 12 2014 Doc#10362 as well as Connolly's supplement to appellate ~~district~~ habeas filed 2-25-13.

Please See all papers and pleadings incorporated with this

Sorry if this is incorrect but I dont know how else to do this.

**Exhaustion of state court remedies regarding Ground 12**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Trial counsel did direct appeal and cannot claim to be ineffective.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8th Judicial District Court Clark County date petition filed 4/9/10.

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed / /

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

**WHEREFORE**, petitioner prays that the court will grant him such relief to which he is entitled in this federal petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 by a person in state custody.

(Name of person who wrote this  
complaint if not Plaintiff )



(Signature of Plaintiff)

5-27-14

(Date)

(Signature of attorney, if any)

(Attorney's address & telephone number)

### **DECLARATION UNDER PENALTY OF PERJURY**

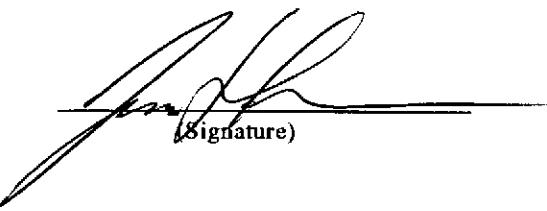
I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.**  
See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Executed at High Desert State Prison

(Location)

on 5-27-14

(Date)



(Signature)

87999

(Inmate prison number)